

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOMBARDIER INC.,

Plaintiff,

v.

MITSUBISHI AIRCRAFT
CORPORATION, MITSUBISHI
AIRCRAFT CORPORATION AMERICA
INC., et al.,

Defendants.

No. 2:18-cv-1543 JLR

DEFENDANT MITSUBISHI AIRCRAFT
CORPORATION AMERICA INC.'S
REPLY IN SUPPORT OF MOTION TO
FILE UNDER SEAL ITS UPDATED
OPPOSITION TO PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

NOTE ON MOTION CALENDAR:
May 24, 2019

Defendant Mitsubishi Aircraft Corporation America Inc. ("MITAC America") filed a Motion to Seal (Dkt. 147) its Updated Opposition to Bombardier's Motion for a Preliminary Injunction ("the Opposition") (Dkt. 150) because Plaintiff Bombardier Inc. ("Bombardier") requested that certain information in the Opposition be shielded from the public. In response to MITAC America's motion to seal, Bombardier requests that the unredacted version of the Opposition remain under seal and that only the redacted version of the Opposition (Dkt. 198) remain available for public viewing. (*See* Dkt. 201.) In light of the Court's original ruling on the redactions requested by Bombardier, *see generally* Dkt. 111, MITAC America does not oppose Bombardier's request at this time.

1 To be clear, though, MITAC America maintains its position that Bombardier has not
 2 shown—and cannot show—a compelling reason to withhold the currently redacted information
 3 for multiple reasons, not the least of which is that much of what is redacted is public information.
 4 For example, among other redactions, Bombardier requests that MITAC America redact
 5 sentences from the Opposition that reference public documents, including a standard engineering
 6 textbook and a NASA memorandum available on the Internet. (*Compare* Dkt. 147 with Dkt.
 7 198.) As MITAC America has previously explained, there is no legal basis for such references
 8 to be shielded from public view. (*See* Dkt. 103, at 4-5.) Accordingly, while MITAC America
 9 does not oppose Bombardier’s request given the Court’s original ruling (Dkt. 111), MITAC
 10 America respectfully maintains its position that Bombardier has not carried its burden to justify
 11 sealing the information (*see* LCR 5(g)(3)), as MITAC America will show as this litigation
 12 progresses.

13
 14 RESPECTFULLY SUBMITTED this 24th day of May 2019.

15 /s/ Mary Z. Gaston

16 Jerry A. Riedinger, WSBA No. 25828

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26 Attorneys for Defendant Mitsubishi Aircraft
 Corporation America Inc.

CERTIFICATE OF SERVICE

I certify under penalty of perjury that May 24, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses indicated on the Court's Electronic Mail Notice List.

DATED this 24th day of May, 2019.

/s/Mary Z. Gaston

Mary Z. Gaston, WSBA No. 2725

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